

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

JUN 15 2004

James M. Talens, Esq.
6017 Woodley Road
McLean, VA 22101

Re: contactMEO Communications, LLC
Request for Refund of Application Filing Fee
Fee Control No. 0403228210899802

Dear Mr. Talens:

This letter responds to your request (dated April 2, 2004) submitted on behalf of contactMEO Communications, LLC (@contact) for a refund of the application fee filed in connection with an amendment filed by @contact on March 17, 2004 to its pending satellite application, File No. SAT-LOA-199712220022, which was originally submitted in December 1997.¹ Our records reflect that you paid the \$4,855.00 application fee associated with the March 17 amendment.

In your request, you state that two days after @contact filed the March 17 amendment and the associated application fee of \$4,855.00, "it was discovered that a clerical error caused the wrong version of the filing to be uploaded to the International Bureau Application Filing and Reporting System . . . website." You state that the "confusion arose out of difficulties attendant upon resolving submission issues for the newly-created Form 312-S." On March 22, 2004, one business day following the discovery of the mistake, "@contact withdrew the first filing and uploaded the correct versions of its amendment and Form 312-S."² You state, and our records confirm, that "[t]he required filing fee of \$4855.00 was . . . submitted [with the March 22 amendment]." You also point out "that the first submission was never accepted for filing or placed on public notice."

In view of the circumstances recited above, including the facts that @contact almost immediately withdrew the erroneously-filed amendment and filed a corrected version of its amendment and Form 312-S, along with an additional filing fee of \$4,855.00, we find that a refund of the original application filing fee is appropriate. See 47 C.F.R. §§1.1108 that the fee paid with the original application was effectively an "overpayment" under section 1.1113 of the Commission's rules, 47 C.F.R. §1.1113. We therefore conclude and 1.1113(a). We therefore grant your request for a refund of the \$4,855.00 application filing fee.

¹ See HEO GEO Amendment, Application Submission ID IB 2004000608 (Mar. 17, 2004).

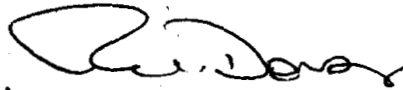
² See HEO GEO Amendment, Application Submission ID IB 2004000649 (Mar. 22, 2004).

James Talens, Esq.

2.

A check, made payable to the maker of the original check, and drawn in the total amount of \$4,855.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written in a cursive style.

Mark A. Reger
Chief Financial Officer

0403228210899802

6017 Woodley Road
McLean, VA 22101
April 2, 2004

Andrew S. Fishel, Managing Director
Federal Communications Commission
445 12th Street, SW
Room I-A625
Washington, DC 20554

**Re: Request for Fee Refund; Application Submission IB2004000608;
Withdrawal WTH20040322913223223**

Dear Mr. Fishel:

On behalf of contactMEO Communications, LLC ("@contact"), the undersigned requests a fee refund pursuant to Section 1.1113(a) of the Commission's rules, 47 C.F.R. Section 1.1113(a). Subsection (5) of that section provides for a refund "[w]hen a waiver is granted in accordance with this subpart." Accordingly, @contact further requests a waiver of Section 1.1113(a) to the extent necessary to obtain the requested refund.

@contact filed an amendment on March 17, 2004 to its pending satellite application, File No. SAT-LOA-199712220022, originally submitted in December 1997.¹ The required fee of \$4855 was paid electronically, *i.e.*, via credit card belonging to the Manager of @contact, David M. Drucker. Two days later, it was discovered that a clerical error caused the wrong version of the filing to be uploaded to the International Bureau Application Filing and Reporting System ("IBFS") website. As it happens, the confusion arose out of difficulties attendant upon resolving submission issues for the newly created Form 312-S. Indeed, the @contact submission of its completed Form 312-S contained some 13 MB of data and proved rather challenging to coordinate among @contact personnel in Colorado, Washington State and Virginia.

Only one business day following discovery of the mistake, @contact withdrew the first filing and uploaded the correct versions of its amendment and Form 312-S.² The required filing fee of \$4855 was again submitted. Unfortunately, there is simply no procedure in ITBS for retrieving a filing fee under these circumstances. In any event, it is important to note that the first submission was never accepted for filing or placed on public notice.

¹ See HEO GEO Amendment, Application Submission ID IB2004000608, March 17, 2004.

² See HEO GEO Amendment, Application Submission ID IB2004000649, March 22, 2004.

@contact believes that equity supports refund of the original filing fee in this case. The integrity of the Commission's IBFS process would not be undermined by grant of the requested refund, whereas failure to issue the refund would be unfair, particularly given the filer is a small, privately funded business endeavoring to obtain its first satellite system license.

Accordingly, @contact requests that the Managing Director, pursuant to his authority under Section 0.231 of the rules, 47 C.F.R. Section 0.231, for good cause shown grant waiver under Section 1.1113(a)(5) to refund the amount of \$4855. This amount would be credited to Mr. David M. Drucker's VISA account as required by Section 1.1113(a) of the rules, 47 C.F.R. Section 1.1113(a).

If there are any questions, please direct them to the undersigned.

Thank you.

Yours truly,

James M. Talens
Counsel for @contact

cc: Thomas Tycz, IB
Fern Jarmulnek, IB
Cassandra Thomas, IB

AR012-A
4/26/2004
10:51:26

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1
4/26/2004
10:51:26

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
780012	3/18/04	0403178210898672	0010585628	Mr. David M Drucker	3/17/04	\$4,855.00

Seq:- 1 Call Sign:
PTC:-CAW QTY: 1
Applicant Name: CONTACTMEO COMMUNICATIONS, LLC
Address: P.O. BOX 348

FCC Code 1:
Applied Amt: 4855.00

FCC Code 2: I82004000608

Tin Number: 841468069

Total Applied:

\$4,855.00

Total Receipt:

\$4,855.00